

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter : Chapter 7  
Case No. 21-10699 (DSJ)

-of- :

KOSSOFF PLLC, : **AFFIRMATION**

Debtor. :

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Objection To Preliminary Injunction Order and Trustee Issuance of Subpoenas for Testimony  
and Documents.

To the Honorable David S. Jones, Jr.,

May It Please The Court,

WALTER MACK affirms as follows:

1. As the Court knows, I am the criminal defense attorney for Kossoff PLLC, Mr. Mitch Kossoff and Tenantracers.
2. I have represented Kossoff PLLC, Mitch Kossoff and Tenantracers as criminal defense counsel for well over fifty days. I have asserted repeatedly to Team Togut and continue to assert that there are ongoing criminal investigations led by the United States Attorney for the Eastern District of New York and the Manhattan District Attorney's Office into the conduct of all of the above-referenced subject parties.
3. The Togut Team has today served upon Mr. Kossoff and Tenantracers subpoenas for Rule 2004 examination which would include the need for testimony and production of documents. Nowhere has Team Togut acknowledged the obligations of my clients to the District Attorney or United States Attorney or made provision for production of information or materials to those prosecutors.

4. Team Togut has known since May 14, 2021, that Mr. Mitch Kossoff as owner and primary operator intends to assert his constitutional Fifth Amendment Rights upon any inquiry emanating from Team Togut which seeks testimony or documents. The only person who has the knowledge, experience and information concerning these entities is Mr. Kossoff himself. Lest there be any question on this issue, Mr. Kossoff has before and will assert his Fifth Amendment privilege against self-incrimination as to each and every question asked of him at such an examination and will similarly assert the same privilege as to the production of any documents sought by the Trustee.

5. I ask the Court to provide me a full and fair opportunity to challenge Togut Team's compulsory process and attempt to overwhelm my clients with legal procedures while they face criminal inquiry.

6. I ask this Court to consider my objections to the Trustee's proposed Preliminary Injunction Order and to consider signing the Proposed Order attached hereto.

Thank you for the Court's consideration.

Dated: June 4, 2021  
New York, New York

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Walter Mack, Esq.

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